

In re: Navarro Acevedo *et al.*
Appl. No.: 09/945,376
Filed: August 31, 2001
Page 5 of 14

Amendments to the Claims:

Please amend claims 1, 2, 5, 9, 12, 13 and 17 as follows:

1. (Currently amended) An isolated nucleic acid molecule having a nucleotide sequence for a promoter that is capable of initiating transcription in a plant cell, wherein said nucleotide sequence for said promoter is selected from the group consisting of:
 - a. a nucleotide sequence comprising the sequence set forth in SEQ ID NO:3;
and
 - ~~b. a nucleotide sequence comprising at least 30 contiguous nucleotides of the sequence set forth in SEQ ID NO:3; and~~
 - eb. a nucleotide sequence that hybridizes under stringent conditions to a the sequence of a), wherein said stringent conditions comprise hybridization in 50% formamide, 1 M NaCl, 1% SDS at 37°C, and a wash in 0.1X SSC at 60 to 65°C or b).
2. (Currently amended) A DNA construct comprising a the nucleotide sequence of claim 1 operably linked to a heterologous nucleotide sequence of interest.
3. (Original) A vector comprising the DNA construct of claim 2.
4. (Original) A host cell having stably incorporated in its genome the DNA construct of claim 2.
5. (Currently amended) A method for inducing expression of a heterologous nucleotide sequence in a plant, said method comprising transforming a plant cell with a DNA construct comprising said heterologous nucleotide sequence operably linked to a promoter that is capable of initiating transcription in a plant cell in response to a stimulus, regenerating a stably transformed plant from said plant cell, and exposing said plant to said stimulus, wherein said promoter comprises a nucleotide sequence selected from the group consisting of:

In re: Navarro Acevedo *et al.*
Appl. No.: 09/945,376
Filed: August 31, 2001
Page 6 of 14

- a. a nucleotide sequence comprising the sequence set forth in SEQ ID NO:3;
and
 - ~~b. a nucleotide sequence comprising at least 30 contiguous nucleotides of the sequence set forth in SEQ ID NO:3; and~~
 - eb. a nucleotide sequence that hybridizes under stringent conditions to a the sequence of a), wherein said stringent conditions comprise hybridization in 50% formamide, 1 M NaCl, 1% SDS at 37°C, and a wash in 0.1X SSC at 60 to 65°C or b).
6. (Original) The method of claim 5, wherein said plant is a monocot.
 7. (Original) The method of claim 6, wherein said monocot is maize.
 8. (Original) The method of claim 5, wherein said plant is a dicot.
 9. (Currently amended) A plant cell stably transformed with a DNA construct comprising a heterologous nucleotide sequence operably linked to a promoter that is capable of initiating transcription in said plant cell, wherein said promoter comprises a nucleotide sequence selected from the group consisting of:
 - a. a nucleotide sequence comprising the sequence set forth in SEQ ID NO:3;
and
 - ~~b. a nucleotide sequence comprising at least 30 contiguous nucleotides of the sequence set forth in SEQ ID NO:3; and~~
 - eb. a nucleotide sequence that hybridizes under stringent conditions to a the sequence of a), wherein said stringent conditions comprise hybridization in 50% formamide, 1 M NaCl, 1% SDS at 37°C, and a wash in 0.1X SSC at 60 to 65°C or b).
 10. (Original) The plant cell of claim 9, wherein said plant cell is from a monocot.

In re: Navarro Acevedo *et al.*
Appl. No.: 09/945,376
Filed: August 31, 2001
Page 7 of 14

11. (Original) The plant cell of claim 10, wherein said monocot is maize.
12. (Currently amended) The plant cell of claim 9, wherein said plant cell is from a dicot.
13. (Currently amended) A plant stably transformed with a DNA construct comprising a heterologous nucleotide sequence operably linked to a promoter that is capable of initiating transcription in a plant cell, wherein said promoter comprises a nucleotide sequence selected from the group consisting of:
 - a. a nucleotide sequence comprising the sequence set forth in SEQ ID NO:3;
and
 - ~~b. a nucleotide sequence comprising at least 30 contiguous nucleotides of the sequence set forth in SEQ ID NO:3; and~~
 - eb. a nucleotide sequence that hybridizes under stringent conditions to a the sequence of a), wherein said stringent conditions comprise hybridization in 50% formamide, 1 M NaCl, 1% SDS at 37°C, and a wash in 0.1X SSC at 60 to 65°C or b).
14. (Original) The plant of claim 13, wherein said plant is a monocot.
15. (Original) The plant of claim 14, wherein said monocot is maize.
16. (Original) The plant of claim 13, wherein said plant is a dicot.
17. (Currently amended) Transformed seed of the plant of any one of claims 13-16, wherein the seed comprises the DNA construct.
- 18 – 38 (Withdrawn)